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15 *Attorneys for Defendant Zuffa, LLC, d/b/a*
16 *Ultimate Fighting Championship and UFC*

17 UNITED STATES DISTRICT COURT
18 DISTRICT OF NEVADA

19
20 Cung Le, Nathan Quarry, Jon Fitch, Brandon
21 Vera, Luis Javier Vazquez, and Kyle
Kingsbury on behalf of themselves and all
others similarly situated,

22 Plaintiffs,

23 v.

24 Zuffa, LLC, d/b/a Ultimate Fighting
25 Championship and UFC,

26 Defendant.

Case No.: 2:15-cv-01045-RFB-(PAL)

**DECLARATION OF STACEY K.
GRIGSBY IN SUPPORT OF ZUFFA'S
OPPOSITION TO PLAINTIFFS'
MOTION TO CHALLENGE WORK
PRODUCT DESIGNATION**

[REDACTED]

1 I, Stacey K. Grigsby, declare as follows:

2 1. I am an attorney admitted to practice before the courts in the states of New York
3 and the District of Columbia and am admitted Pro Hac Vice to practice before this Court. I am
4 Counsel in the law firm Boies, Schiller & Flexner LLP and represent Defendant Zuffa, LLC
5 (“Zuffa”) in this case.

6 2. I make this declaration in support of Zuffa’s Opposition to Plaintiffs’ Motion to
7 Challenge Work Product Designation. Based on my review of the files and records in this case,
8 and my discussions with attorneys involved with reviewing the documents at issue in this
9 litigation, I have personal knowledge of the contents of this declaration and could testify thereto.

10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
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14 [REDACTED]
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[REDACTED]

11. Exhibit J is a true and correct copy of a produced document bearing the Bates number ZFL-1007625.

12. Exhibit K is a true and correct copy of a produced document bearing the Bates number ZFL-1007626.

13. Exhibit L is a true and correct copy of a produced document bearing the Bates number ZFL-1007377.

14. Plaintiffs served Zuffa with a 30(b)(6) deposition notice, which referred to a draft Statement of Work from Mercer. After I received Plaintiffs' 30(b)(6) deposition notice, I began to investigate the facts surrounding the unexecuted Statement of Work from Mercer. Through this investigation, I learned that Zuffa's counsel, Campbell & Williams had engaged Mercer to conduct a study in anticipation of litigation. My colleagues and I then reviewed the productions in this litigation to determine whether Zuffa had inadvertently produced documents relating to the Mercer study commissioned by Zuffa's counsel, Campbell & Williams. We identified that Zuffa had produced three documents bearing Bates numbers ZFL-1824837, ZFL-1824835, and ZFL-

1 0557588, which were created at the request of Zuffa's counsel. Because these documents
2 constitute work product, I sent a letter to Plaintiffs clawing back the three documents.

3 15. Neither Mr. Rayhill nor any of Plaintiffs' other counsel ever communicated with
4 Zuffa to request a meet and confer regarding Zuffa's designation of the three Challenged
5 Documents at issue in this motion. Zuffa was fully prepared to discuss the basis for its work
6 product claim had Plaintiffs requested a meet and confer on this point.

7 I declare under penalty of perjury under the laws of the United States of America that the
8 foregoing facts are true and correct. Executed this 19th day of September, 2016, in Washington,
9 D.C.

10 /s/ Stacey K. Grigsby
11 Stacey K. Grigsby
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